

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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In re the application of: Jacques M. Dulin

) Attorney Docket No. 7175-004US

) (formerly 7112-004US/PCT)

Serial No.: 10/700,784

) Group Art Unit: 1614

Filed: November 3, 2003

) Examiner: Leslie A. Royds

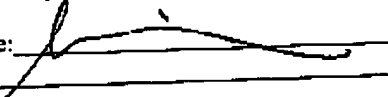
Title: Oral Hygiene System and Method of Treatment

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) Date of Faxing: March 14, 2006

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MAR 14 2006

Certification under 37 CFR 1.6		Faxing Date: March 14, 2006
I hereby certify that this paper is being sent on the above stated date by fax to the telephone number for the Central FAX Number identified by the USPTO.		
Attention: Examiner Leslie A. Royds, total pages <u>3</u>		
Name: Betty Oppenheimer	Signature: 	

AGENDA FOR TELEPHONE INTERVIEW

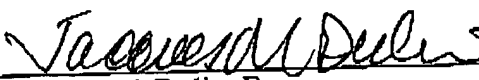
Pursuant to the telephone request from Examiner Royds, Applicant submits an Agenda (on the next page) for the Telephone Interview currently scheduled for Monday, March 27, 2006 at 10 am PST (1 pm, EST). This Agenda is non-limiting of the issues to be discussed, as depending on the positions taken by the PTO in respect to Applicant's Response filed February 16, 2006, additional points or issues may arise. Per the Commissioner's Guidelines set forth in MPEP 2106, the spirit of the Interview should be guided by the following principle: *"Office personnel should indicate how rejections may be overcome and how problems may be resolved."* Applicant will participate and is authorized to make decisions at the Interview.

Jacques M. Dulin, Applicant

Date: March 14, 2006

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SN 10/700,784

Filed: Nov 3, 2003

Oral Hygiene Systems and Method of Treatment

Agenda for Telephone Interview 03/27/06

I. Formalities Satisfied ?

- a) Is updated Declaration Acceptable and has it been entered?
- b) Is the Amendment to Specification, Cross Reference to Related Cases OK?
- c) Is the Objection to the Specification now moot?
- d) Any other concerns of Examiner on formalities?

II. Restriction and Election Issues:

- a) Does PTO accept that the Restriction/Election is With Traverse, and if not, why not?
- b) On Reconsideration of Amended Claims, is the Restriction withdrawn or maintained?
 - i. PTO basis and reasoning for Restriction is what?
 - ii. Any election required now?
- c) Applicant provisionally elects, with traverse "antimicrobial compounds or compositions". On reconsideration of Election by Examiner, is it maintained?
 - i. Applicant does not understand election within a Markush group.
 - ii. Please explain basis for the Election requirement in view of the delivery system nature of the invention.

III. Is there any issue of New Matter as a result of the Amendments to the Claims in the Response of Feb 2, 2006?

IV. The 112 Rejection

- a) Discuss the Examiner's rejection of "about". Where is it taught that the length dimensions are critical to the operation of the claimed system or the anti-microbial compositions that saturate the cotton rolls? Note the use context; the human mouth. Thus, the length is self-limiting, and understandably so by OSIA.
- b) Who does the PTO consider to be OSIA? Why would OSIA consider the "about" dimensions to be unclear? Are they dimwits?
- c) Isn't this a matter for the Courts in any infringement action where the issue of whether a given length is within the scope of the claims will be addressed?
- d) Can we move on to significant issues? Is the Rejection withdrawn or maintained? If the latter, what case law supports the Examiner's position? Please provide citations.

V. The Art Rejections:

A. §102 Kazdan '382 as to Claims 1 - 4 and 7:

- i. Is this rejection maintained? If so, Examiner is requested to read Kazdan on the claims rejected, keeping in mind the proper interpretation of both the claim language (see the Specification) and Kazdan.
- ii. If so, what limitations would avoid Kazdan, as obviously they are not the same invention?
- iii. Discuss proposed language if necessary.

B. §103 Rejections over Kazdan plus 5 more references -

Is the problem breadth of claim language:

- i. Weisel - White Strips - Examiner to explain why moistened cotton rolls inserted in buccal vestibules obvious over dentine treatment plus finger pad tooth brushing method of Kazdan? Now OSIA is very smart?
 - ii. Vermeer - aldonamides - Examiner explain why obvious over Kazdan's finger pad for tooth brushing, modified how?, loaded with aldonamides?
 - iii. Julius - dental sponge - Examiner ditto. Trade Kazdan's finger pad for a sponge of Julius loaded with pumice and sugar?
 - iv. Speaker - micro-encapsulated topically active agents encapsulated in a gel - No implantation in Applicant's claimed invention, and claims not cover that. Put Speaker's gel in Kazdan's finger pad for brushing teeth?
 - v. Copelan - Floss holder. How is this relevant in combo with Kazdan?
- C. Where is teaching of combination in the references - cite column and line without reference to Applicant's specification .**
- D. Does Examiner agree that principles of law cited are correct and applicable to this case?**
- E. Are the §103 Rejections (or some of them) maintained? Which ones, based on what language in which references?**
- F. What amendments to claims would overcome the references?**

VI. Any other issues that arise. Any new rejections of Examiner?

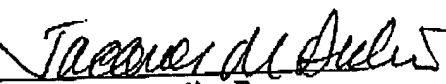
VII. Wind up. Status of how case is left. Examiner's Next Office Action, When and what issues?

Respectfully submitted,
Jacques M. Dulin, Applicant

DATE: March 14, 2006

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